

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED

OCT 14 2022

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY 156 DEP CLK

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

THE PERSON OF MARKEE DEKOY SCOTT TO
OBTAIN DNA SAMPLES

Case No.

7:22-mj-1205-RJ

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person of Markee Dekoy Scott (dob 12/13/1989) as described in Attachment A.

located in the Eastern District of North Carolina, there is now concealed (identify the person or describe the property to be seized):

DNA sample from the person of Markee Dekoy Scott (dob 12/13/1989) by way of a buccal swab as described in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

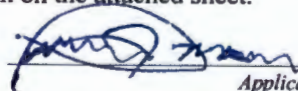
Code Section
18 U.S.C. 922(g)

Offense Description
Possession of a Firearm by a Prohibited Person

The application is based on these facts:
see attached affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Timothy Moon, ATF TFO

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date: October 14 2022

City and state: Wilmington, North Carolina



Judge's signature

Robert B. Jones, Jr., United States Magistrate Judge

Printed name and title

WVT

IN THE UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

IN THE MATTER OF THE SEARCH OF)
THE PERSON OF MARKEE DEKOY)
SCOTT TO OBTAIN DNA SAMPLES)

No.: 7:22-mj-1205-RJ

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH
WARRANT**

I, Timothy Moon, Task Force Officer, Bureau of Alcohol, Tobacco, Firearms,
and Explosives, being duly sworn, hereby depose and state:

INTRODUCTION

1. Your affiant, Timothy Moon, is a “federal task force law enforcement officer” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.

2. This affidavit is submitted in support of an application for a warrant to obtain DNA samples, specifically buccal swabs from the person of **MARKEE DEKOY SCOTT** (hereafter referred to as **SCOTT**), so that such samples can be compared to swabs containing possible DNA obtained from a Taurus Millennium G2 9mm (Serial # TJR89631) black handgun and magazine and a Taurus G2C 9mm semiautomatic handgun (serial number TMD27506) that **SCOTT** is suspected of possessing on November 15, 2019 and September 5, 2021 in the Eastern District of North Carolina.

3. Based on the information set forth herein, I submit there is probable cause to believe that the person to be searched, more fully described in Attachment A, contains evidence, contraband, fruits, or instrumentalities of criminal violations

or attempted violations of 18 U.S.C. § 922(g) (possession of a firearm by a prohibited person).

4. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge of or investigation into this matter.

STATEMENT OF PROBABLE CAUSE

5. On November 15, 2019, around 10:25 p.m., officers with the Wilmington Police Department (hereinafter “WPD”) were in the 400 block of Evans Street in Wilmington, North Carolina when several gunshots were fired in the 400 block of Clay Street.

6. WPD officers responded to the 400 block of Clay Street and located a dark sedan backing out of the area where officers believed the shots were coming from. The driver of the vehicle told officers that someone was down on the side of the house on the west side of the street. The driver of the vehicle was later identified as Tracey Lovell Taylor.

7. WPD officers approached the open area next to 435 Clay Street and located **SCOTT** moaning in pain, lying next to the HVAC unit for 435 Clay Street. **SCOTT** told officers that he had been shot three times. Officers located one gunshot wound on **SCOTT’S** lower abdomen.

8. Responding officers applied pressure to **SCOTT'S** gunshot wound and checked for other wounds. While checking his lower body for gunshot wounds, officers located two small plastic bags. One bag contained a white powdered substance consistent with powdered cocaine and the second contained a cream-colored rock-like substance consistent with cocaine base (crack).

9. Officers attempted to get information from **SCOTT** about possible suspects or the direction of travel, but **SCOTT** refused to provide any information.

10. After **SCOTT** was transported to the hospital, officers began to canvass 435 Clay Street for evidence and located four spent .45 caliber shell casings, a Heckler and Koch USP .45 caliber handgun, an iPhone, and a pair of eyeglasses. DNA swabs were taken from the pair eyeglasses and Heckler and Koch USP handgun and sent to the North Carolina State Crime Lab for analysis. The crime lab found the major contributor DNA profile from the eyeglasses is consistent with the DNA profile obtained from Deshaun Clarida. The crime lab determined the DNA profile obtained from the Heckler and Koch USP handgun was uninterpretable due to the complexity of the sample. The New Hanover County Sheriff's Office Forensic Laboratory processed the iPhone for fingerprints and found the latent print lifted off the back of the iPhone belonged to Deshaun Clarida.

11. Officers also located a Taurus Millennium G2 9mm (Serial # TJR89631) black handgun an extended magazine underneath the HVAC unit where **SCOTT** was found.

12. Wilmington Police Department Crime Scene Investigators collected and swabbed the grip, slide, and trigger of the Taurus Millennium G2 9mm (Serial # TJR89631) black handgun found under the HVAC unit for the presence of possible DNA.

13. On Sunday, September 5th, 2021, at 12:16 a.m., WPD officer Fields was assigned to Mobile Field Force Task Force and was doubled up with Cpl. P. McMahon (NHCSO) on routine patrol of the high crime area of the Princess Place Dr. corridor in Wilmington, North Carolina.

14. Officer Fields was traveling eastbound on Princess Place Dr. in the 3100 block and observed a dark in color sedan turn eastbound on Princess Place Dr. from the area of Montgomery Ave. Cpl. P. McMahon ran the registration plate (RCX-4677) and advised that the vehicle was registered to **SCOTT**. An inquiry through a law enforcement database revealed that Scott's driver's license was suspended in the State of North Carolina for failure to appear.

15. A traffic stop was conducted on the vehicle, and it pulled into the public parking lot of Sam's Food Mart located at 4129 Princess Place Dr.

16. Officer Field's walked up to the vehicle and spoke to the driver and only occupant of the vehicle, **SCOTT**. As Officer Fields returned to his police vehicle, Officer Fields observed that **SCOTT** had rolled his window back up which, based on Officer Field's training and experience as a law enforcement, is an indicator that the occupant is trying to distance the law enforcement officer from the interior of the vehicle.

17. An inquiry through a law enforcement database revealed that **SCOTT** had one (1) outstanding warrant for arrest for assault on a female and misdemeanor larceny stemming from a domestic incident with the mother of his child. Officer Fields also observed that **SCOTT** was listed as a validated gang member with weapons and narcotics history, specifically multiple pending charges for Selling Schedule II Controlled Substances and Habitual Felon.

18. Officer Fields requested that WPD officer J. DelGuercio respond to the scene with his WPD issued K9 Stanley, and he did. At the time of this traffic stop, K9 Stanley was certified by the United States Police Canine Association in the detection of the odor of narcotics (marijuana, heroin, cocaine, and methamphetamine) and tracking.

19. Officer Fields removed **SCOTT** from the vehicle and placed him under for arrest for his outstanding warrant. Officer J. DelGuercio and his K9 Stanley conducted an open-air sniff of the vehicle and K9 Stanley indicated to the presence of the odor of narcotics.

20. Based on the positive indication by K9 Stanley, Officer Fields began a probable cause search of the vehicle.

21. While searching the driver's side, Officer Fields pulled down the plastic paneling that was under the steering wheel column and immediately observed a Taurus G2C 9mm semiautomatic handgun (serial number TMD27506) partially concealed and sticking out from behind the panel. The firearm was placed in such a manner that it could easily be accessed by the driver of the vehicle while driving.

22. WPD Crime Scene Investigator Technician M. Fisher responded to the scene and photographed the firearm's location and processed it for the possible presence of fingerprints and DNA. CSI M. Fisher collected two (2) swabs of possible DNA from the grip, slide, and trigger of the Taurus G2C 9mm semiautomatic handgun (serial number TMD27506).

23. Officer Fields investigation also revealed that the firearm was stolen out of the City of Wilmington.

24. **SCOTT** is a convicted felon. On April 13, 2015, **SCOTT** was convicted of the felony of Conspire to Sell Heroin and was sentenced to 17 to 30 months imprisonment in the North Carolina Department of Corrections.

25. **SCOTT** is currently being detained in state custody and housed at the New Hanover County Jail.

26. When a person touches an object, such as a firearm or firearm magazine, that person's DNA can be left on such items.

27. While it is possible to obtain a usable sample of saliva when an individual expectorates, the preferred method by biological forensic analysts is through the controlled sample of an individual's saliva by way of a buccal swab inserted briefly just inside mouth and cheek area. This process takes less than one second per side of the mouth, carries no risk of physical pain, injury or embarrassment to an individual.

28. A DNA sample from **SCOTT** is necessary to conduct a comparison with any possible DNA obtained from the seized firearms, which were collected on November 15, 2019, and September 5, 2021, by the Wilmington Police Department.

REQUEST FOR AUTHORIZATION

29. Based on the foregoing, probable cause exists for the issuance of a search warrant to obtain a DNA sample from **SCOTT**. The purpose of this search warrant is to compare the DNA profile from **SCOTT'S** known DNA sample against any DNA profile obtained from evidentiary items recovered on November 15, 2019 and September 5, 2021, including but not limited to a Taurus Millennium G2 9mm (Serial # TJR89631) black handgun and magazine and a Taurus G2C 9mm semiautomatic handgun (serial number TMD27506). Wherefore, it is requested that the Court issue a search warrant authorizing Agents of the ATF and/or other authorized officers, to obtain Buccal DNA swab samples from **SCOTT**.


CONCLUSION

30. Based on the foregoing, I request that the Court issue the proposed search warrant.

Timothy Moon Digitally signed by Timothy Moon
Date: 2022.10.12 19:06:01 -04'00'

Timothy Moon, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

On this 14 day of October 2022, Timothy Moon appeared before me via reliable telephonic means, was placed under oath, and attested to the contents of this Affidavit.


ROBERT B. JONES, JR.
UNITED STATES MAGISTRATE JUDGE

Attachment A

1. MARKEE DEKOY SCOTT. Date of Birth December 13, 1989.



ATTACHMENT B

Particular Things to be Seized

This warrant authorizes:

- (i) the search of MARKEE DEKOY SCOTT, identified in Attachment A, to obtain a DNA sample by way of a Buccal swab.